G. R. S. 58]

Previous references.

File No. 30 of 1903-04

1902-03.

(Courts.)

Serial Nos. 1 - 12.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 12.

Major ~~Part B~~ for May 04

SUBJECT.

Service of Summons on persons in the Military employment.

Sl. 1. 3104. 418. 7-11-03.

J 719

From

The Dist. Magte
Bangalore Dist.

Reports that a Sepoy of 3rd Madras Cavalry Lancers has Committed an offence punishable under Section 324 I.P.C. etc.

Sl. 2. 1059 24-11-03.

J.774

To

The G. A. & the Resident.

GPB—3,500—21-7-14

Informs that one, Nawab Khan a Sepoy of the 3rd Madras Cavalry Lancers Committed an

offence punishable under section 324 of I.P.C.
by beating a betal seller.

Sl. 3. J 1271. 742. 20-2-04

From

The Dist Magte
Bangalore Dist

Submits summons returned
unserved and requests information for
future guidance

Sl. 4. 1731 25-2-04.

J

To

The Dist Magte

Requests that the particulars of
the case in which the Sewar's attendance
was found necessary may be furnished soon.

5-3-04.

Sl. 5. J 1370. 798.

From.

The Dist Magte

Submits the particulars.

Sl. 6. 1995. 21-3-04.

To

The A. A. to the Resident

Requests steps may be taken for
hearing the accused brought before a court-
martial.

Sl. 7. 1492. - 1617. - 29-3-04.

From

The A. A. to the Resident

Requests that the memorandum of
Cl. George referred to in Sl 6. may be forwarded.

31-3-04.

Sl. 8. 2078/74

From

The A. A. to the Resident.

Forwards the memorandum
above requested

Sl

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

SECTION Courts

FILE No. 136-03

SERIAL No.

Branch Judicial

Subject Service of summons on persons in military employ

Letter No. S. 742 dated 20th February 1904 from the Dt Magistrate of Bangalore requesting to be informed of the authority under which the attendance of persons in military employ could be enforced.

Submitted for orders on the above subject

No references are traceable in the Judl Br.

24/2/04

Ask for particulars of the criminal case in which the man's attendance was forced.

24/2/04

Draft Submitted

24/2/04

The particulars were called for in this office No. 1731 of 25th Feby. The District Magistrate in submitting the same states, that on the 29th October 1903 there was Sante at Madiwala Bangalore Taluk, which the Sowar in question went to the Complainant's

in the 2 Case who was then selling betel leaves there and took away one bundle without his permission and that when the Complainant questioned him the Sowar replied that it was his will to do so. On the Complainant and his Comrade who was with him in the shop remonstrating with him, the Sowar went to the next shop and abused them. The Complainant got up enraged at the Sowar's foul language and expressed his intention of going to the Police Station to lodge his Complaint. The Sowar thereupon attacked him with a club on his head and forearm. The Complainant then fell into a Swoon; the club having caused a Contused wound on the head exposing the bone and another wound in the left forearm. The Police thereupon investigated the Case and submitted a charge sheet against the Sowar which has necessitated the Amildar Magistrate to issue the Summons which has been returned unserved.

Submitted for orders.

10/3/08

I think the Commandy Officer, Col Sergt, was right in returning the Summons unserved under Article 171 of the Indian Articles of War. These Articles make a

Copy obtained from the Secretary to the Police Commissioner

distinction between persons accused of offences against the Indian Penal Code within the jurisdiction of a criminal Court in British India, & persons committing a "civil offence" outside of British India. In the former case, the offenders are to be delivered over to the nearest Magistrate (Article 170); & in the latter case they are to be deemed guilty of an offence against military law, & tried for the same by Court-martial (Article 171).

It is true there is a precedent of 2 sowars having been surrendered to the Mysore Criminal Courts in 1902 for trial, & convicted by such Courts. ~~But if the action is to be justified, I conceive it will have to be on the ground that~~ But there the accused were arrested by the Mysore Police in the first instance, & therefore within the jurisdiction of the Mysore Courts, and there was no necessity at the outset for obtaining their surrender from the Military authorities. The accused were then (wrongly) given up to the Military, who in turn delivered the charge sheet to the Dt. Magte, C & M. Sts, who again transferred the case to the Dt Magte's Bangalore.

In any case, I think a reference should be made to the Resident ~~without~~ for instructions, and that a request should be made for the accused sowars

* [illegible] there are precedents.

Reg 13—

being brought before a Court-Martial
if they is assembled, in which event
can then be given to the Magis-
of Bangalore to arrange for the
attendance of witnesses before the
Court-martial.

A draft of the T.A.N. is sent
for appl.

10.3.04

This seems to be a case
of theft, Criminal Tr. — the
offending Sawars, may, I
think, be secured by applying
for an Extradition Warrant
after recording evidence.

12.3.1904

The Extradition Act being in force
only in British India, and the C.M. &
of Bangalore not being part of British
India, extradition proceedings cannot be
taken in this case. On the other hand, the
process of criminal Courts of the Mysore State
are freely executed in the States under an
arrangement sanctioned by the Govt of India
in 1884. But the trouble in this case
has arisen from the fact that the Military
Authorities decline to recognize a process issued

V. de [illegible]
Correspondence.

by a Mysore Court; and we cannot definitely say they are not justified in doing so.

12.3.04

Submitted to the Dewan Sahib thro' the 2nd Councillor with a draft letter to the Asst Resident.

12.3.1904

0306/12-3-04. 5-30 P.M.

The course proposed seems suitable. It does not seem possible to get at the accused persons otherwise. Draft approved — [illegible]

14/3/04

Submitted to the Dewan Sahib

14.3.1904

1665/15.3.04

Draft issued —

In reply, the Y.A. Resident states that the General officer Commanding Bangalore proposes to hold a Court Martial to investigate the charge against Nawab Kha and enquires when all the witnesses in the case could be present in Bangalore —

Draft to Dt made is submitted. Some time Reminder every 3 days

26/4/04

draft issued.

The Dy Magte reports that there are 5 witnesses in the case for the prosecution and that they are bound to appear before the General officer Commanding, Bangalore on the 31st May 1904

Draft to Residency as above is submitted.

17/5/04

17.5.04.

This is not suited to the C.r., as the matter is very urgent, & there is not time to obtain his approval before he leaves for Ws this evening.

17779
17.5.04.

(1)

Wrgs. 719

1903 7-1103

MYSORE GOVERNMENT
GENERAL & REVENUE SECRETARIAT

From H. H. Sheshadri Esqr
District Magistrate
Bangalore District

To H. V. Nanjundayya Esqr
M.A.M.L.
Secretary to the Govt. of Mysore
General & Revenue Depts
Bangalore

SECTION Cts.
FILE No. 1 of 1903-04
SERIAL No. 1

Dated 7th November 03.
Despatched
Received
General No.
S No. 418

Enclosure No One cover

Reports that a Sepoy of the 3rd Madras Cavalry Lancers has committed an offence punishable under Section 324 I.P.C and that the case has been taken up at the file of the Police and that its final disposal will be reported.

7. 11.03

7.11.03

11

MGCPB—50 reams.—6-12-02.

2 — Bangalore District
District Magistrate's office
Dated 4th November 03.

S.N.D. 418
R. Ordered

From,

H. H. Sparkes, Esquire

District Magistrate

Bangalore District

To,

H. C. Nanjundiyya, Esquire M.A.M.L.

Secretary to the Government of
Empire
General & Revenue Departments.

Bangalore

Sir,

I have the honor to report, that
Nawab Khan, a Sepoy of the 28th Light
Cavalry, 3rd Madras Cavalary Lancers
committed an offence punishable under
section 324 Indian Penal Code. against

One

one Syed Budan, a shop man at Madivala Shandy, Bangalore Taluk, on the 29th October 1903. The Police of the Bangalore Taluk have taken up the case on their file, and it is under investigation. The result of the trial of the case will be reported after it is finally disposed off. A Copy of the letter No. 478 dated 6th instant from the Assistant Superintendent of Police, Bangalore in re the case is herein enclosed for information.

I have the honor to be,
Sir,
Your most obedient Servant

District Magistrate
Bangalore District

4

SECTION (2) 16

FILE No. 136 of 1903. Obj

SERIAL No. 2

To First Assistant to the Resident in Mysore

Dated 24/11/03

No. 1059 Ed. 1.
J. 774 of 1903.

Sir,

I am directed to state for the information of the Hon'ble the Resident that on the 29th Oct. 03 one Nawab Khan, a Sepoy of the 2nd Madras Cavalry Lancers, went to the Madivala Thandy weekly Fair and there committed an offence punishable under Section 324 of the I. P. C. by beating a betel seller by name Lyd Buddan on the head and arm with a club, which he was holding in his hand. The person

Is this also required to be sent to the Resident? Let me see order or precedent please. H
17/11/3

Precedents submitted Vide C/o pencilled order 9/12 Dec. Div (Obj A)
17/11/03 17-11-03

This is a mere assault & Hurt and has no political or other significance. I am not sure if this report is required. Order solicited.
H
18/11/3

Dewan
19/11/03
14126
19.11.03

103

~~for this occurrence is~~ 5

~~Said to have been~~ because the latter
~~that the shop man understood~~
~~the~~ the Sepoy ~~who was~~
picking floral leaves from
the shop without his
Consent. The Police
of the Bangalore Police
are investigating
~~the case~~ of the case
which they have taken
up on their file, and
the result of the
trial of the case
will be intimated
~~to you~~ in due course.

2 in A Copy of the report
in the Case in question
of the Police Asstt. Supdt.
Bangalore Dt. to the D. Supdt
Comr., Bangalore Dt., is also
forwarded for information.

I have etc.

10.11.43

24/11/43

Secretary

"Interference" is ~~not~~ vague -

There is no harm in his
going. He
is known
to them how
their Lawyers
are behaving

20.XI.43

9/11

23-11-43

6. 1271

(3)

MYSORE GOVERNMENT GENERAL SECRETARIAT 1903

From The Dist. Magistrate Bangalore Dt.

To The Secretary to the Govt. of Mysore Rev and Cust Depts

Dated 20th Feb 1904.

Despatched 20th

Received

General No.

S. No. 742

Enclosure No. 4.

SECTION 16.

FILE No. 136 of 1902-04.

SERIAL No. 3.

Submits Summons sent & served by the Commanding Officer 28th Light Cavalry and requests to be informed for future guidance of the authority under wh: the attendance of persons in military employ can be enforced

J
22-2-04

Note. (Asst Secy speaks)

Crl. 742-
Sa 24

Bangalore Dt
Dt Magistrate's Office
Bangalore 20th February
1883.

From,

H St Sparkes Esq
Dt Magistrate
Bangalore Dt

To,

L Ananta Rau Esq B.A
Offg Secy to the Govt
of Mysore
Rev and Genl Depts.

Sir,

In submitting, herewith, the memorandum No $\frac{A}{82}$ dated 12th Instant, from Colonel Georges Commanding Officer 28th Light Cavalry, Bangalore returning unserved for reasons noted in the memorandum, the summons sent to him by the Amildar magistrate, Bangalore in Criminal Case No 55 of 1883-84 of his Court for

for Service on Nawab Khan Sahoy,

I have the honor to request to be informed, early, for future guidance of the authority under which the attendance of such persons before a Criminal Court could be enforced.

The memorandum with its enclosure may be kindly returned when done with.

I have the honor to be,

Sir,

Your most obedient Servant

Senior Asst Govt Magistrate in charge of the Dt Magistrate Office

Bangalore Dt

9

(4)

Office Draft. (~~Letter.~~ Docket

Mysore Government,
General & Revenue Secretariat,
Branch.

SECTION 6th
FILE No 26 of 1902-04
SERIAL No. 4

To The District Magistrate
Bangalore.

Date of passing the draft 25/2/04
Date of despatch

Regd. No. 1731
File No. & date (if any)

No. of Encs.

The Dt. Magte's letter No. S. 742 dated 20th February 1904, stating that a Summons sent by the ~~Sir,~~ Amildar Magte of Bangalore, for service on a Sowar of the 28th Light Cavalry, Bangalore has been returned unserved by the Commanding Officer of that Regiment on the ground that the Court has no jurisdiction on the Sowar in question and requesting to be informed of the authority under which the attendance of

of such persons could 10
be enforced.

— — —

With reference to
the above, has the
honour to request that
particulars of the Col
case in which the
Lowest attendance
was found necessary
may be furnished
at an early date.

By order

[signature]

Secretary

11 (5) 1370

MYSORE GOVERNMENT SECRETARIAT 5 - 1 1903/04

From The Dt Magistrate Bangalore Dt

To The Secy to the Govt of Mysore Rev and Genl Depmt

SECTION Ets

FILE NO. 126 of 1903-04.

SERIAL NO. 5

Dated 5th

Despatched 5th

Received

General No.

S. No. 198

Enclosure No.

Marchlan.

Secy's No. 1731 of 25th Feb 04.

Submits as called for particulars of the case in which the appearance of a sowar by name Nowabkhan 28th Light Cavalry was found necessary before the Asst Magistrate of Bangalore Th.

J. S. 4

Sir No 798. Bangalore Dt

Dt Magistrate's office

Bangalore 5th March 1798

From,

Mr Henriah Chetty Esq Ba

Senior Asst Com Magist

in charge of Bangalore Dt

To,

Lt Anantasamy Rao Esq Ba

Offg Secy to the Govt

of Mysore

Rev and Genl Depts.

Sir,

Referring to your No

1731 dated 25th ultimo, calling for the particulars

of the Case in which the appearance of a

Sowar by name Nowabkhan of the 2nd

Light Cavalry, Bangalore, before the Amildar

Magistrate of Bangalore was found necessary,

I

I have the honour to state as follows.

On the 29th October 73 there was Santhe at Madivala, Bangalore Taluk. The Sowar in question went to the Complainant who was then selling betel leaves there and took away one bundle without his permission, when the Complainant and his Co-partner who was also in the shop questioned him, he replied that it was his will to do so. When they remonstrated, he went to next bazar and abused them. The Complainant got up enraged at the sowar's foul language and expressed to go to the Police Station to lodge his Complaint. The sowar therefore attacked him with a club on his head and forearm. He fell into a swoon. The Certificate granted by the Hospital Assistant

Shows

shows that there was a 1/4 Contused wound on the head exposing the bone and another wound in the left forearm. The Police investigated the case and submitted a Charge sheet against this Sowar. Hence the summons was sent by the Amildar Magistrate for service upon the Sowar (the accused) to answer to a charge under Section 324 Indian Penal Code.

I have the honor to be,

Sir,

your most obedient Servant

Ahmedoth

for Dt Magistrate

Bangalore Dt.

15 (6) 1

No. 1925 dt 21/3/04.

J. F. 24 of 03.

SECTION 6th.

FILE No. 124 of 1903-04.

SERIAL No. 6

To

The First-Asst to the Resident in Mysore.

Appd
14-3-04

Sir,

I am directed to state that a criminal case against a sawar of the 25th Light Cavalry, 30 Madras Lancers, by name Nawab Khan No 1519, on a charge of voluntarily causing hurt by a dangerous weapon to a shopkeeper named Syed Burdan Saib of Jeadigal in the Bangalore Taluk under s. 324 of the Indian Penal Code, is pending in the Court of the Amildar and Second class Magistrate of Bangalore.

See
23/3/04

The Dr Magte of Bangalore in reporting that the summons issued by the Asst Magte for service on the accused was returned by the Commandant

Officer, C.I. Sengeo,* on the 16 found that the Court ~~had~~, under Article 171 of the Indian Articles of War, no jurisdiction over the person in question, asks for instructions as to the mode in which the attendance of the accused ~~for the purpose in such case to be enforced by a Criminal Court~~ may be secured. —

2. I am to request that, if the objection taken by the Commanding Officer ~~of the Defence~~ to the ~~surrender of the accused~~ is correct, steps may be taken for having the accused ~~tried~~ brought before a ~~Civil~~ Court-martial as contemplated by Article 171 of the Articles of War. ~~Instructions will be issued from you in this behalf, the Officer making the arrangements to secure the attendance of witnesses before the Court Martial~~

3. I am to add that the facts of the case have been already reported in my letter No. 1059 dated the 24th Nov. 1903 —

* Vide his memorandum of 12-2-04, enclosed herein for reference & obliging return

HGA

07838

16.3.04

10.3.04

19/3/04

R. P. B.—12-03.—1,000.

No. 1617

FROM

R. C. H. MOSS. KING, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

SECTION 16b.
FILE No. 1216 of 19-2-04
SERIAL No. 2

To

The Dewan of Mysore.

Dated Bangalore, 29th March 1904.

SIR,

I am directed to invite a reference to Mr. Ananthaswami Rao's letter No. 1995/J.F. dated 21st March 1904, and to request that the Memorandum of Colonel Georges therein referred to may be forwarded to this office at an early date.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

19 (8)

To.

The First Asst
to the Resident
in Mysore

SECTION Pol
FILE No 121 of 1902-04
SERIAL No. 8

~~Dated~~ 31/3/04

~~Dated~~ 2078 G.A.I.

No. J. 74 of 0203

Sir;

I am directed to forward herewith as requested in your letter No. 1617 dated 29th March 1904, the memorandum ~~dated~~ of Col. Georges Commanding Officer, 28th Light Cavalry Lancers, dated 12th February 1904.

I have &c.

30/3/04

for Secretary

* To be kindly returned when no longer required.

Mr Sharpe [illegible]
Careless with documents
on the enclosure
[illegible]

R. P. B.—12-03.—1,000.

No. 2128 81

FROM

R. C. H. MOSS. KING, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

SECTION Let.
FILE No. 186 of 1902-03
SERIAL No. 9

To

The Dewan of Mysore.

Dated Bangalore, 25th april 1904.

SIR,

With reference to Mr. Anantaswami Rao's letter No. 1995-J.F 74 of '02-'03 dated the 21st March 1904, I am directed to state that the General Officer Commanding Bangalore proposes to hold a court martial to investigate the charge against sowar Nawab Khan of the 28th Light Cavalry of having voluntarily caused hurt by a dangerous weapon to a shopkeeper at Madivala in the Bangalore Taluk.

2. In returning the enclosure to Mr. Chandrasakara Iyer's letter No. 2078-J.74 of '02-'03 dated the 31st March 1904. I am to enquire when all the witnesses in the case could be present in Bangalore in order to enable the General Officer Commanding to issue orders for the trial of the accused sowar etc.

3. The favour of a very early answer is requested.

II Dwc. 912

23.

(11)

Urgent

J 1727

1903.4

SECTION 165.

FILE No. 121 of 1903-04

SERIAL No. 11

FROM

The Dist. Magistrate, Bangalore Dist.

To

The Secretary to the Govt. of Mysore Genl. & Rev. Depts.

Dated 16 }
Despatched } 2 May 1904.

Received

General No.

No. 948

Enclosure No.

Sessions docket No. 2287/J.94 of 29.4.04.

Reports that there are 5 witnesses for the prosecution, bound over to appear before the General Officer commanding, Bangalore, on the 31st inst. in the case Crown Prosecutor against Sowar Nawab Khan of the 28th Light Cavalry.

Z/f. Bangalore District

S. 948. District Magistrate's Office

Bangalore 16th May 1904.

From

D. Devaraj Urs Esqr

District Magistrate

Bangalore District

To L. Anantasamy Rao Esqr B.A.

Offg. Secretary to the Govt. of Mysore

General and Revenue Departments.

Sir, With reference to your docket No 2287 J. 94 dated 29th April 1904, enquiring as to when all the witnesses in the case brought against Sawar Nawabkhan of the 28th Light Cavalry could be present in Bangalore to enable the General Officer Commanding to issue orders for the trial by Court martial of the said Nawabkhan, I have the honor to report that there are 5 witnesses for the prosecution in the case. They are bound over to appear before the General Officer Commanding, Bangalore on the 31st instant at 11 A.M.

I have the honor to be,

Sir,

Your most obedient Servant,

D Devaraj

District Magistrate.

hms

25. (12)

SECTION Pets.
FILE No. 26 of 1903-04
SERIAL No. 12

To,
The First Assistant
to the Resident
in Mysore

Dated 20.5.04
No 2499
J.7.740f02-03

Sir,

In reply to the
inquiry made in your
letter No 2128 dated the
25th April 1904, as to
when all the witnesses
in the case brought
against Sowar Nawab
Khan of the 28th Light
Cavalry, of having
voluntarily caused hurt
by a dangerous weapon
to a Shop-Keeper at Madi
-wala, could be presen
in Bangalore in order
to enable the General Officer Commanding
to issue orders for the
trial of the accused Sowa
I am directed to
State that the Dy

Magistrate of the Bangalore
Dt reports that there
are five witnesses
for the prosecution
in the case and that
they have been bound
over to appear before
the General officer
Commanding, Bangalore
on the ~~8th~~ 31st May
1904 at 11 A.M.

I have etc

17-5-04

19/5/04

H.S. Secretary

19/5

[signature]

Sl. 9. 1627. 2128 - 25-4-04.

From.

The A. A. to the Resident.

Enquiries when all the witnesses Could be present in Bangalore.

Sl. 10. 2287. 29-4-04.

To

The Dist- Magte.

Bangalore Dist.

Requests report when all the witnesses Could be present.

Sl. 11. J 1727. 968. 16-5-04.

From.

The Dist- Magte.

~~Requires~~ Reports as requested.

Sl. 12. 2499. 20-5-04.

To

The A. A. to the Resident.

Informs him the same as in Sl. 11

Issued.
K. Rangaswami.